IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.2480 OF 2005

Dr.Piyush T.Mehta .. Petitioner

versus

State of Maharashtra ... Respondents

Mr.S.S.Redij, Advocate for Petitioner

Ms.U.V.Kejriwal, A.P.P.for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 16th August, 2006

ORAL ORDER :

1. The petitioner is the complainant who has approached this Court seeking directions against the respondents to properly investigate the complaint lodged by him as pointed out in the petition that the police have not carried out

proper investigation and have failed to take the custody of all the relevant documents such as cheques,account opening forms, specimen signatures forms, the ledgers, letters, recordof the Bank, of Madura now merged into the I.C.I.C.I. Bank situated at Premabai Hall, Bhadra, Ahmedabad and also to interrogatge Mr.Deepak Dalal and Dr.Amit Shah (accused no.5 and 6 respectively in original complaint) The petitioner further seeks directions against the respondents to file a charge sheet against the arrested accused in FIR No.MECR No.20 of 2000 and not to delay the investigation by calling any persons/share holders who does not have any knowledge about the offence.

2. The learned A.P.P. after seeking instructions from P.I.Mr.R.M.Gavit, the Investigating Officer in the case makes a statement that the police have filed a final report under section 169 read with section 173 of Cr.P.C. known as 'B' Summary which is being processed in the Court of the concerned Metropolitan Magistrate and is registered as No.44/B of 2005 in the Court of the Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai and as far as instructions are concerned, she states that notice of the

proceedings has been issued to the complainant.

3. In view of this, it will be proper for the complainant to contest the proceedings before the learned Magistrate and place on record all the necessary information within his knowledge and possession in support of his complaint and may also seek orders from the Magistrate for search and seizure of the documents as sought for in this petition.

4. With this liberty, we dispose of the petition as infructuous with no order as to costs.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**